

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christopher L. von Stein

15CV7039

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

Justin D. Pruyne, Westchester County Deputy CommissionerPamela Rivera, APA, NYS Department of CorrectionsJury Trial: Yes No

(check one)

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(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Christopher L. von Stein
 Street Address 85 Crow Hill Road
 County, City Westchester County, Mount Kisco
 State & Zip Code NY, 10549
 Telephone Number 914-954-3161

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Justin D. Pruyne
 Street Address Westchester County DOC, P.O. Box 389

County, City Westchester County, Valhalla
State & Zip Code NY, 10595
Telephone Number 914-231-1054

Defendant No. 2 Name Pamela Rivera
Street Address Downstate Corr. Fac., 121 Red Schoolhouse Rd, PO Box 445
County, City Dutchess County, Fishkill
State & Zip Code NY 12524-0445
Telephone Number 845-831-6600

Defendant No. 3 Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

Defendant No. 4 Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Fourth Amendment of the Bill of Rights

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Westchester County Department of Corrections (Valhalla, NY), Downstate Correctional Facility (Fishkill, NY)

B. What date and approximate time did the events giving rise to your claim(s) occur? March 17, 2015
and April 21, 2015

C. Facts: I was arrested for violation of parole on October 29th, 2014 and brought to WCDOC by parole.

What happened to you?

On January 7th, 2015 I agreed to a plea bargain of 90 days to be run concurrent with parole. Judge Friia, of the White Plains Criminal Court stated on record that the sentence would be 90 days concurrent with Parole. This was confirmed by the ADA on record that day. The court session was transcribed correctly that day but upon returning to the jail to serve out my sentence I learned that my sentence was not being run concurrent, but consecutive to my parole violation. I exhausted every remedy at my disposal including the grievance procedure. I wrote to Judge Friia, the time computation officer (Officer Gray) and discussed at length the issue with various sergeants, lieutenants, and a captain. Finally I wrote to Justin Pruyne, Deputy Commissioner of Westchester Department of Corrections outlining, in detail, the problem While I was awaiting his response I was transferred to Downstate Correctional Facility where a time-computation was done by a Pamela Rivera. Under penalty she signed a statement attesting that my incarceration began on December 17th, 2014, This date was not only incorrect but it appeared to be completely random. "I certify... that the statements made above have been examined by me... true and correct." In the last week of April, I received a letter from Justin Pruyne, dated April 21st, stating "...a review of WCDOC records indicates that you were arrested on October 27 for violating the terms of your parole...." and that I was sentenced to 90 days. He affirms that the facts I stated are true, but advises me to contact parole in order to try to clear up the error for which his his jail was responsible. I spent the next several months doing everything in my power to rectify this negligence, finally released, under order from Albany, 2 months late.

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

My father is on his deathbed. He was diagnosed with Melanoma bone cancer almost a year ago. My primary injury is lost valuable time with him, and as his mental condition has deteriorated as quickly as his physical, those two months are precious time that I will never regain.

Secondly, I was made a liar to my twelve year old daughter. I promised her I would be home in April as was promised to me by parole, my lawyer, and the judge, and I was not released until June 13th. I have amended the behavior that led me to be arrested but my broken promise to a young girl who's been in my custody since she was three years old is not erasable. She has type 1 diabetes, and aside from the medical effect of me not being there to care for her blood-sugar management, my relationship with her was damaged significantly more by the extended period of time away. I also lost my job as a direct result of being released late.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. While I was incarcerated I asked my employer to send a letter to parole stating that I had my job waiting for me if they would reinstate me to parole, instead of the "max out" that I ultimately received. He sent that letter as well as a copy to me. I stayed in contact with him throughout my incarceration but when I was finally released, he told me he no longer had the position available. I attribute this loss 100% to the 2 extra months I was incarcerated. Had I been released as promised in my plea-deal, I would have returned to work immediately. I was making approximately \$700/week at that job, as a plumber and I am now unemployed and unable to find a job. At the time of this writing I have suffered an approximate loss of \$14,000 due to this negligence and the responsible parties' refusal to correct it. However the monetary loss from my unlawful incarceration is the easiest to measure. When I see my father, I know that he is not the man that I left in October. He has deteriorated physically, but the psychic change that has occurred is the more devastating to me. I cannot put in words what a loss I feel for the time with him that was taken from me. I have immense emotional trauma because of the timing of this entire episode but it was compounded immeasurably by being told I'd be home in April, telling my entire family I would be home in April, and then not living up to the promise. The loss I feel as a father for leaving my daughter as I did because of my legal history is not small. But the fact that I was away for 20 months does not make this last blow any easier. I am seeking \$300,000 for my damages.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30 day of August, 2015.

Signature of Plaintiff

Mailing Address

85 Crow Hill Road

Mount Kisco, NY 10549

Telephone Number

(914) 954 3161

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20_____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Inmate Number

Christopher von Stein
85 Crow Hill Rd
Mount Kisco, NY 10549



United States District Court
of the Southern District of NY

Pro Se Intake Unit

Daniel Patrick Moynihan

United States Courthouse

500 Pearl Street, Room 200

New York, NY 10007

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